

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNIVERSITY OF PITTSBURGH OF THE
12 COMMONWEALTH SYSTEM OF HIGHER
13 EDUCATION d/b/a UNIVERSITY OF
14 PITTSBURGH, a Pennsylvania non-profit
15 corporation (educational),

16 Plaintiff,

17 v.

18 VARIAN MEDICAL SYSTEMS, INC., a
19 Delaware corporation,

20 Defendant.

21 No. C-08-2973 MMC

22 **ORDER GRANTING IN PART AND
23 DENYING IN PART PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
EXHIBITS UNDER SEAL**

24 Before the Court is plaintiff's Administrative Motion, filed July 11, 2008, to file under
25 seal Exhibits three through ten, twenty, twenty-one, and twenty-three to the Declaration of
26 Rita E. Tautkus filed in support of plaintiff's opposition to defendant's motion to transfer the
27 instant action to the Western District of Pennsylvania.

28 On July 17, 2008, plaintiff, in support of its Administrative Motion, filed a
Supplemental Declaration of Rita E. Tautkus, in which plaintiff identifies the entity or
individual by whom each such exhibit was designated as confidential. Specifically, plaintiff
states that: (1) Exhibits three through nine were designated as confidential by defendant;
(2) Exhibits ten, twenty, and twenty-one were designated as confidential by defendant and

1 non-party Majid Riaziat; and (3) Exhibit twenty-three was designated as confidential by
2 plaintiff, which designation plaintiff withdrew therein.

3 Thereafter, on July 22, 2008, defendant filed the Declaration of Hassan Mostafavi in
4 support of defendant's designation of Exhibits ten, twenty, and twenty-one as confidential;
5 defendant has not filed a declaration in support of its designation of Exhibits three through
6 nine as confidential.

7 Also on July 22, 2008, plaintiff filed Exhibit twenty-three in the public record, as
8 Exhibit F to the "Declaration of Rita E. Tautkus in Response to July 16, 2008 Court Order
9 Re: Administrative Motions to Seal Documents."

10 Having reviewed the Administrative Motion, and the declarations filed in support
11 thereof, the Court finds Exhibits ten, twenty, and twenty-one consist of sealable material,
12 and Exhibits three through nine and twenty-three do not consist of sealable material.

13 Accordingly,

14 1. The Administrative Motion is hereby GRANTED with respect to Exhibits ten,
15 twenty, and twenty-one to the Declaration of Rita E. Tautkus, and the Clerk is directed to
16 file said exhibits under seal.

17 2. The Administrative Motion is DENIED with respect to Exhibits three through nine,
18 and plaintiff is hereby DIRECTED to file said exhibits in the public record no later than
19 August 22, 2008. If plaintiff fails to timely file said exhibits in the public record, the Court
20 will not consider them in ruling on defendant's motion to transfer.

21 3. The Administrative Motion is DENIED as moot with respect to Exhibit twenty-
22 three, for the reason that said exhibit has been filed in the public record.

23 **IT IS SO ORDERED.**

24 Dated: August 19, 2008


MAXINE M. CHESNEY
United States District Judge

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